

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

COMCAST CORPORATION ET AL.,

Defendants.

CASE NO. 2:09-cv-175 (TJW)

Jury Trial Demanded

JOINT MOTION TO DISMISS

NOW COMES the Plaintiff Beneficial Innovations, Inc. and Defendant Digg Inc. and respectfully move the Court to dismiss the claims between them, and in support thereof would respectfully show the Court as follows:

All matters in controversy between Beneficial Innovations, Inc. and Digg Inc. in this suit have been settled and compromised, and these parties therefore jointly move to dismiss all claims asserted between them, with prejudice to the right to pursue any such claims in the future except as provided in the parties' settlement agreement. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that their claims against each other be dismissed with prejudice, with all costs of court being assessed against the party who incurred them.

//

//

//

//

Dated: November __, 2009

Respectfully submitted,

By: /s/ Julien A. Adams

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: capshaw@mailbmc.com
Email: ederieux@mailbmc.com

Robert Christopher Bunt
State Bar No. 00787165
Email: cbunt@cox-internet.com
Robert M Parker
State Bar No. 15498000
Email: rmparker@cox-internet.com
Parker & Bunt, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

Of Counsel:

Gregory S. Dovel
CA State Bar No. 135387
Julien Adams
CA State Bar No. 156135
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

ATTORNEYS FOR PLAINTIFF,
BENEFICIAL INNOVATIONS, INC.

By: /s/ Byron Cooper
Byron Cooper
Goodwin Procter LLP
135 Commonwealth Dr.
Menlo Park, CA 94025
Telephone: 650-752-3100
Facsimile: 650-853-1038

ATTORNEYS FOR DEFENDANT
DIGG INC.